

IN RE: PETITION FOR ADMIN. VARIANCE
SW/Corner Kurtz Avenue and
North Avenue
(1710 Kurtz Avenue)
8th Election District
4th Councilmanic District
Edward C. Byrnes, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-192-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Edward C. and Lisa S. Byrnes. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet in lieu of the minimum required 15 feet and a sum of the side yard setbacks of 22 feet in lieu of the required 40 feet for an existing enclosed porch and proposed addition, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1993 that the Petition for Administrative Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet in lieu of the minimum required 15 feet, and a sum of the side yard setbacks of 22 feet in lieu of the required 40 feet, for an existing enclosed porch and proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 12/8/93
By [Signature]

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

December 8, 1993

(410) 887-4386

Mr. & Mrs. Edward C. Byrnes
1710 Kurtz Avenue
Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SW/Corner Kurtz Avenue and North Avenue
(1710 Kurtz Avenue)
8th Election District - 4th Councilmanic District
Edward C. Byrnes, et ux - Petitioners
Case No. 94-192-A

Dear Mr. & Mrs. Byrnes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

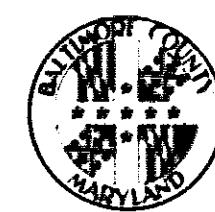
Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1710 Kurtz Ave.

which is presently zoned R-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owners of the property at 1710 Kurtz Ave. in Baltimore County and which is located in the 8th Election District and 4th Councilmanic District, hereby petition for a variance from the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the minimum required 15 feet, and a sum of the side yard setbacks of 22 feet in lieu of the minimum required 40 feet, for an existing enclosed porch and proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1802.3.C.1 To allow a side yard setback (for an enclosed porch) of 10 ft. (existing) and a sum of side yard setbacks of 22 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively.

SEE REVERSED SIDE

Property is to be posted and advertised as provided by Zoning Regulations. I, or we, agree to pay expenses of above variance including posting and advertising, and I, or we, agree to be bound by the zoning regulations and restrictions of Baltimore County and the Board of Appeals and the County Board of Appeals.

EDWARD C. BYRNES
LISA S. BYRNES
1710 Kurtz Ave
Lutherville, Md 21093
ED AND LISA BYRNES
1710 Kurtz Ave 252-1652

ORDER RECEIVED FOR FILING
Date 12/8/93
By [Signature]

REVIEWED BY [Signature] DATE 11-22-93
ESTIMATED POSTING DATE 11-22-93

Printed on Recycled Paper
ITEM # 196

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at
1710 Kurtz Ave.
Lutherville, MD. 21093

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (include hereon or practice official):

ONLY PRACTICAL PLACE TO PUT IT
WOULD NEED A VARIANCE IN EITHER SIDE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

EDWARD C. BYRNES
LISA S. BYRNES

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of OCTOBER 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

EDWARD C. AND LISA S. BYRNES

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the aforesaid facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notary Seal
10/18/93

My Commission Expires 5/23/94
NOTARY PUBLIC
BALTIMORE CO., MD.

ZONING DESCRIPTION FOR 1710 KURTZ AVE.
ELECTION DISTRICT 8 COUNCILMANIC DISTRICT 4

94-192-A

BEGINNING for the same at the corner formed by the intersection of the southwest side of North Avenue with the northeast side of Kurtz Avenue as shown on a Plat of Lutherville made by William Sides, Surveyor, which Plat is recorded among the Land Records of Baltimore County in Plat Book MFC, No. 8, folio 97, and running thence and bounding on the northeast side of Kurtz Avenue South 27 degrees 53 minutes West 75 feet; thence leaving said Avenue and running for a line of division now made parallel with North Avenue North 63 degrees 59 minutes West 209.50 feet to the Southeast side of Second Avenue as laid out on said Plat of Lutherville, thence bounding on the southeast side of Second Avenue North 27 degrees 53 minutes East 75 feet to the corner formed by the intersection of the southeast side of said Second Avenue with the southwest side of North Avenue; and thence bounding on the Southwest side of North Avenue South 63 degrees 59 minutes East 209.50 feet to the place of beginning. The improvement thereon being known as No. 1710 Kurtz Avenue.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 94 Date of Posting 11/11/93
Posted for: [Signature]
Petitioner: Edward C. Byrnes
Location of property: 1710 Kurtz Ave., Lutherville, Md. 21093
Location of Signs: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 11/24/93
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

November 26, 1993

(410) 887-3353

Mr. and Mrs. Edward C. Byrnes
1710 Kurtz Avenue
Lutherville, Maryland 21093

RE: Case No. 94-192-A, Item No. 196
Petitioners: Edward C. Byrnes, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Byrnes:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 5, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-192-A

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 15, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 191, 191, 195, 196, 197, 198 and 199.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: _____

PK/CLKW

ZAC. 187/PZONE/ZAC1

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 18, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

MEETING OF NOVEMBER 15, 1993

Property Owner: Roger Wadkins and Beatrice K. Wadkins
Location: #1630 Cape May Road
Item No.: 190 (JRF)

Property Owner: Catherine O. Deen & Holly Lee Deen
Location: #11823 Manor Road
Item No.: 193 (JCH)

Property Owner: Charles Michael Thomas & Catherine A. Thomas
Location: #9 Graveswood Road
Item No.: #194 (WCR)

Property Owner: Michael J. Biller & Pamela M. Biller
Location: #2311 Shaded Brook Drive
Item No.: #195 (JRF)

Property Owner: Edward C. Byrnes & Lisa S. Byrnes
Location: #1710 Kurtz Avenue
Item No.: #196 (JJS)

Property Owner: Sylvester W. Applebaum and
Dorothy J. Applebaum
Location: #401 Oak Forest Avenue
Item No.: #197 (JJS)

Property Owner: Carolyn H. Robinson & Timothy W. Robinson
Location: #2212 Dalewood Road
Item No.: #198 (RT)

Property Owner: George H. Woodward & Doris C. Woodward
Location: #19504 Resh Mill Road
Item No.: #199 (JCH/JRF)

Gentlemen:

Printed with Soy-based Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Doug Swam
Permits Supervisor
Office of Permits & Licenses

DATE: September 24, 1993

FROM: John McGrain
Office of Planning

SUBJECT: Porch permit for Edward Byrnes
Lutherville, 0879001700

The members of the Permit Committee of the Landmarks Preservation Commission have agreed that the bay window proposed for the residence at 1710 Kurtz Avenue (Parcel 2) is not inappropriate for the historic district. This memo constitutes a "Certificate of Appropriateness."

JM/mjm
PERMIT/PZONE/LANDMARK

cc: Ruth B. Mascari, Chairman, LPC

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 10, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Edward C. Byrnes and Lisa S. Byrnes
1710 Kurtz Avenue
Lutherville, Maryland 21093

Re: CASE NUMBER: 94-192-A (Item 196)
1710 Kurtz Avenue
SAC Kurtz and North Avenues
8th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 21, 1993. The closing date (December 6, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon

Arnold Jablon
Director

Lutherville Advisory Committee
Baltimore County Landmarks Preservation Commission

September 23, 1993

Mr. John McGrain, Director
Baltimore County Landmarks Preservation Commission
Office of Planning and Zoning
New Courts Building/Room 406
401 Boxley Avenue
Towson, Maryland 21204

RE: Proposed Addition
Property of Mr. and Mrs. Ed Byrnes
1710 Kurtz Avenue
Lutherville, Maryland

Dear Mr. McGrain:

The Lutherville Advisory Committee has reviewed drawings submitted by Mr. Byrnes for an addition to his house which, while not historic, is located within the Lutherville Historic District. The drawings show the planned work to be consistent both in appearance and quality with the existing house.

It is our recommendation that the application be approved.

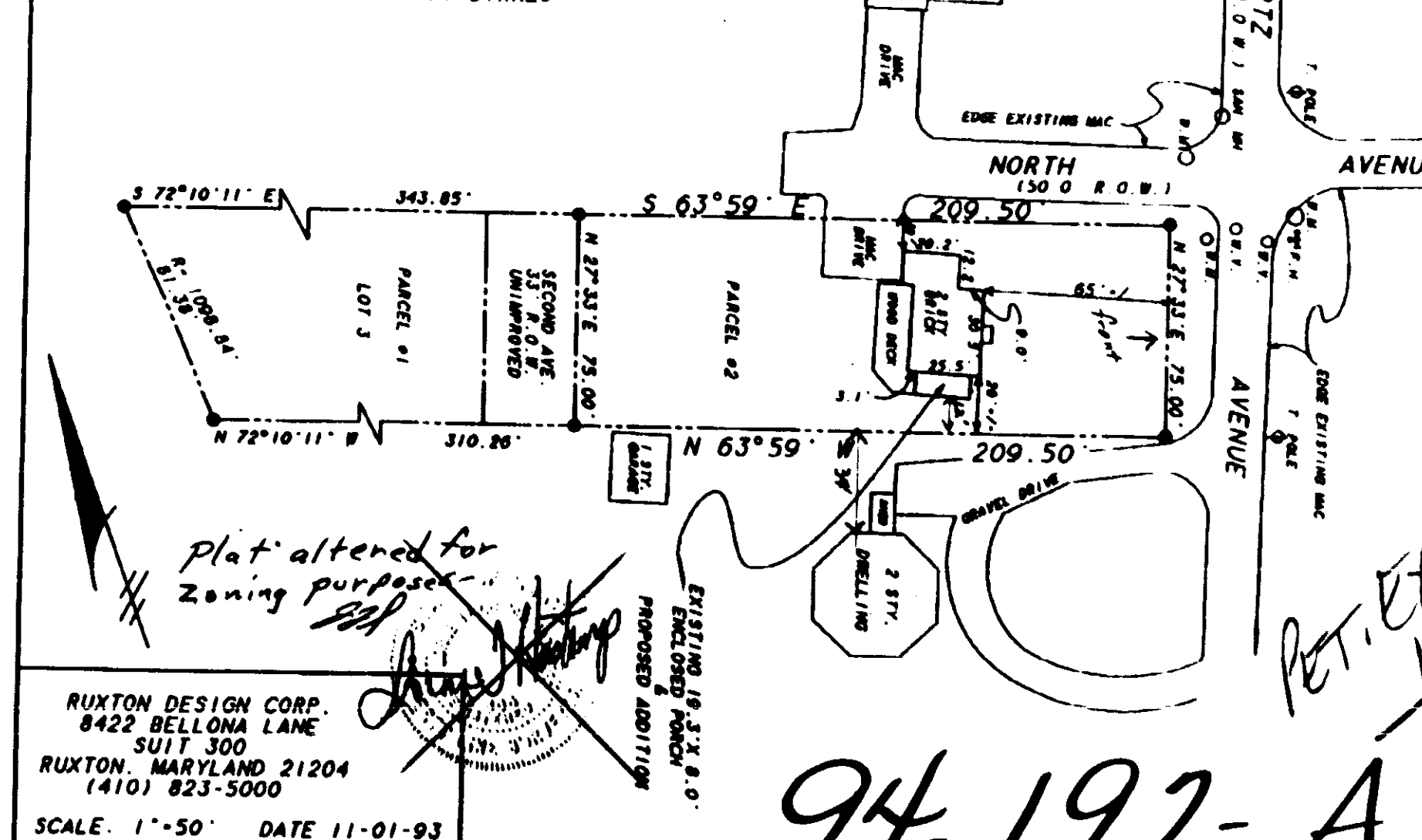
Sincerely,

Robert P. Wingard AIA
Robert P. Wingard AIA
Chair and Resident Architect Advisor, LAC
214 Morris Avenue
Lutherville, Maryland 21093
(410) 252-1074 (C) 528-8600

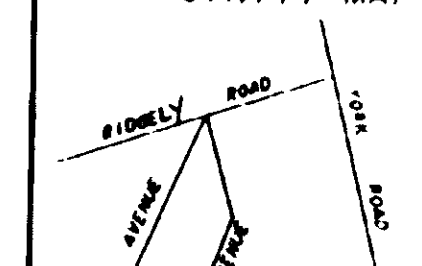
cc: Mr. and Mrs. Ed Byrnes
File

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 1710 KURTZ AVENUE
SUBDIVISION NAME: PLAT OF LUTHERVILLE
PLAT BOOK # 8 FOLIO # 57 LOT # 3
OWNER: EDWARD C. AND LISA S. BYRNES



VICINITY MAP



SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8
COUNCILMANIC DISTRICT 4
1" = 500' SCALE MAP # 1012A
ZONING D.R. 2
LOT 3/28 38 ACRES
15 712 50 50 FT
SEWER PUBLIC
WATER PUBLIC
CHESAPEAKE BAY
CRITICAL AREA NO
PRIOR ZONING HEARINGS NONE

ZONING OFFICE USE ONLY
REVIEWED BY: 1701-1702
DATE: 11/10/93

#96

OCTOBER 15, 1993

RE: ENCLOSURE OF SCREEN ARCH
1710 KURTZ AVE - LUTHERVILLE, MD, 21093

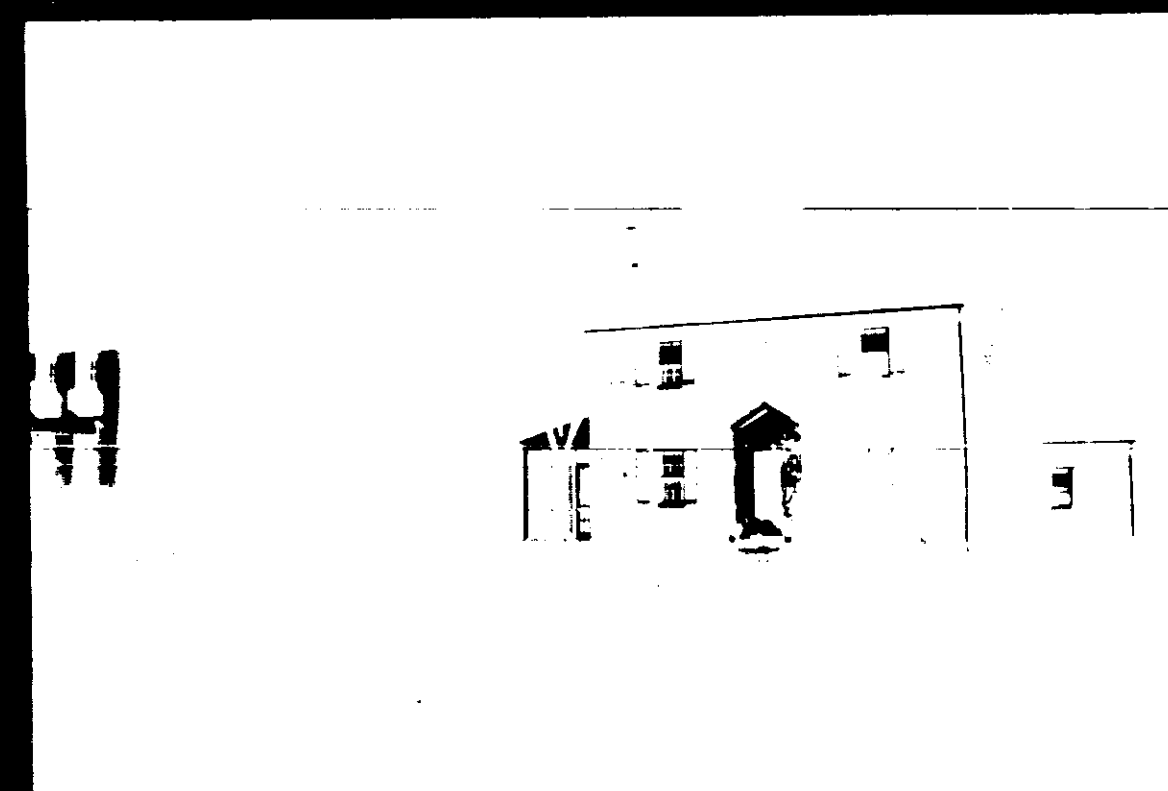
To whom it may concern:

As next door neighbors of ED
AND LISA BYRNES, we hereby approve
of the plans and specifications concerning
the enclosing of the existing screen arch
at 1710 KURTZ AVE, LUTHERVILLE, MD, 21093.

Stephen Vicchio
Stephen Vicchio

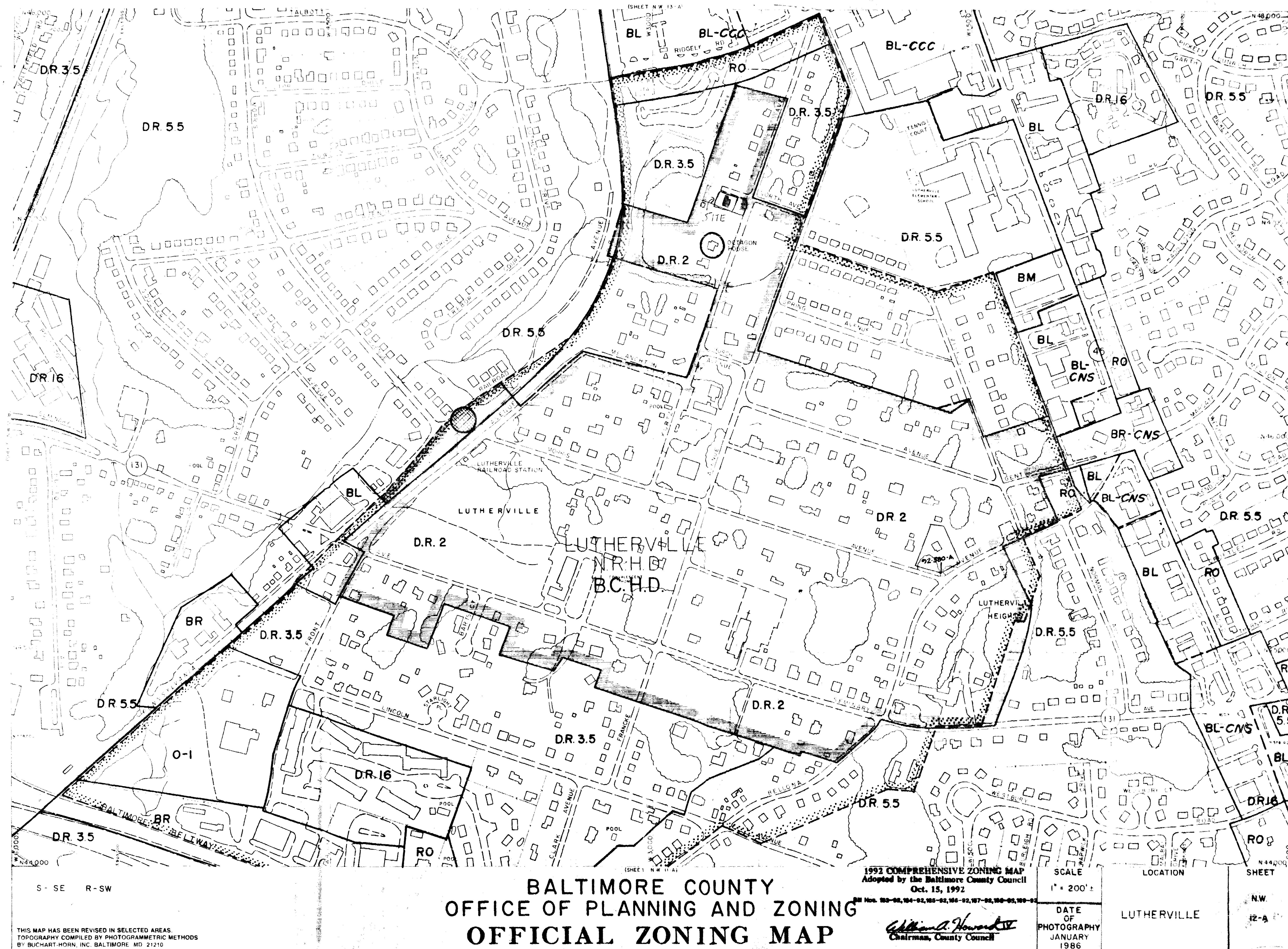
STEPHEN VICCHIO
1708 KURTZ AVE.
LUTHERVILLE, MD, 21093

94-192-A



94-192-A





94-192-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200'

LOCATION
LUTHERVILLE

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET
NW
12-A

74-192-A